

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,
Plaintiff,

v.

CSX TRANSPORTATION, INC.,
Defendant.

C.A. No.: 04-30189-MAP

JOINT SCHEDULING STATEMENT

The parties, in the above-captioned action, submit the following joint scheduling statement pursuant to the provisions of Fed.R.Civ.P.16(b) and Local Rule 16.1. An initial scheduling conference will be held at 11:00 AM on November 15, 2004.

I. Obligation of Counsel to Confer:

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1. The Plaintiff completed the discovery mandated by Local Rules 26.2(A) on June 28, 2004. The Defendant will comply with Local Rule 26.2(A) by November 29, 2004. Counsel have agreed to explore the possibilities of alternative dispute resolution upon the completion of discovery.

Counsel also certify that they have conferred with their respective clients concerning those matters mentioned in Local Rule 16.1(D)(3) prior to the scheduling conference and have submitted certifications signed by counsel and authorized representatives of each party.

II. Proposed Joint Discovery Plan:

This case arises out of an incident that occurred in Warren, MA, on June 13, 2001, during which the plaintiff, Paul T. Papadakis., an employee of Consolidated Rail Corporation, was injured while attempting to raise a hy-rail wheel. This action was filed on March 16, 2004 at the

United States District Court for the District of New York in Albany, NY. An *Answer* was served on the plaintiff on June 7, 2004, and the action was then removed by the defendants to this Court on August 31, 2004. Pursuant to Fed.R.Civ.P. 16(b) and Local Rule 16.1(F), the parties propose the following discovery schedule:

A. Phase one:

1. The Plaintiff has completed the discovery mandated by Local Rules 26.2(A) and will complete the discovery mandated by Local Rule 35.1 by November 29, 2004.
2. The Defendant will comply with Local Rule 26.2(A) on or before November 29, 2004.
3. Motions to amend and/or supplement the pleadings, including motions to add parties, no later than February 28, 2005.
4. All written discovery to be completed by March 31, 2005.
5. All non-expert depositions to be completed by September 30, 2005.

B. Phase two:

1. The plaintiff shall designate his trial experts and shall disclose the information contemplated by Fed.R.Civ.P. 26(a)(2)(B) by August 31, 2005.
2. The defendant shall designate its trial experts and shall disclose the information contemplated by Fed.R.Civ.P. 26(a)(2)(B) by September 15, 2005.
3. All expert depositions to be completed by December 31, 2005.
4. All discovery to be completed by December 31, 2005.

III. Filing of Motions:

1. All dispositive motions and/or motions for summary judgment to be filed by December 31, 2005.
2. A final pre trial conference will be held on or before January 31, 2006.

IV. Agenda of Matters To Be Discussed:

The parties have conferred in compliance with Local Rule 16.1(B)(1) and prepared the following proposed agenda of matters to be discussed at the Initial Scheduling Conference:

1. The identification of principal issues in contention and issues of fact and law not reasonably in dispute.
2. The parties' joint discovery plan.
3. The status of settlement discussions.
4. The parties' willingness to consent to trial by magistrate judge.

Respectfully submitted,

The plaintiff:
PAUL T. PAPADAKIS,
by his attorneys,

/s/ Robert M. Byrne, Jr.

Robert M. Byrne, Jr., BBO# 368620
Robert T. Naumes, BBO# 367660
Thornton & Naumes, LLP
100 Summer St., 30th Floor
Boston, MA 02110
(617) 720-1333

The defendant:
CSX TRANSPORTATION, INC.,
by its attorneys,

/s/ Bethany M. Machacek

Michael B. Flynn, BBO# 559023
Bethany M. Machacek, BBO# 657237
FLYNN & ASSOCIATES, PC
400 Crown Colony Drive, Suite 200
Quincy, MA 02169
(617) 773-5500

Dated: November 9, 2004